

# PATENT COOPERATION TREATY

## PCT



### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 01 MAR 2005

WIPO PCT

Applicant's or agent's file reference P26343PC00		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/IB2004/050341		International filing date (day/month/year) 26.03.2004		Priority date (day/month/year) 26.03.2003
International Patent Classification (IPC) or national classification and IPC G06K7/00, H04L9/32, G07F7/08, G06F17/60, G06K17/00, G07C9/00				
Applicant SUPERSENSOR (PTY) LTD (IN LIQUIDATION) ET AL.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 21.01.2005		Date of completion of this report 02.03.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer: de Ronde, J. Telephone No. +31 70 340-3925 		

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IB2004/050341

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-24 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	3 4 6-22
	No: Claims	1 2 5 23 24
Inventive step (IS)	Yes: Claims	
	No: Claims	1-24
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/IB2004/050341

**Re Item V.**

1. The following documents are referred to in this communication:

D1 : WO 01/57807 A (3M INNOVATIVE PROPERTIES CO) 9 August 2001 (2001-08-09)

D2 : WO 03/005143 A (KOENIG & BAUER AG ; SCHASCHEK KARL ERICH ALBERT (DE);  
SCHNEIDER GEORG) 16 January 2003 (2003-01-16)

D3 : EP 1 063 610 A (SUPERSENSOR PROPRIETARY LTD) 27 December 2000 (2000-12-27)

**2. INDEPENDENT CLAIMS 1 and 23**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document):

An electronic identification system comprising:

a plurality of transponders (RFID tags, see throughout D1)

at least one transponder encoder (RFID interrogator, Writer, Cryptographic Transformation Algorithm) for writing respective first watermark data into a memory arrangement of each transponder (Page 6, line 16- Page 9, line 3);

at least one verifier for interrogating a selected transponder and to read data stored in the transponder; said first watermark data being derived from an algorithm and input data (RFID Interrogator etc...; the verifier comprising computing means configured to retrieve the algorithm and the input data and to compute second watermark data for comparison with the first watermark data (Authentication using method of Field Encryption and Comparison (Page 9 line28 - Page 10, line11).

Hence, claim 1 is not novel (Article 33(2) PCT).

Analagous argumentation is applicable to independent claim 23.

**3. INDEPENDENT CLAIMS 8 and 19**

The subject matter of claim 8 does not involve an inventive step in the sense of Article 33(3) PCT.

The subject-matter of independent claim 8 differs from the disclosure of D1 in that :

utilizing at the verifier the transmitted data to retrieve the algorithm and the input data.

However, these features have already been employed for the same purpose in a similar method, see document D3. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a method according to document D1, thereby arriving at a method according to claim 8.

Hence claim 8 can not be considered to be inventive (Article 33(3) PCT). Analagous argumentation is applicable to claim 19.

**4. DEPENDENT CLAIMS 2-7, 9-18, 20-22, 24**

Dependent claims 2-7, 9-18, 20-22, 24 appear not to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

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**5. Article 6 PCT**

Throughout the claims phrases appear like: "encoder for", "verifier for" and so on.. For the sake of this written opinion "for" has generally been construed in the sense of "adapted for".

However, the applicant is informed that said usage of the word "for" will be taken into account as a formal deficiency in certain regional examination phases. This deficiency could be easily resolved by replacing "for" by "adapted for" where appropriate in the claims.